

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN WILLIE MINNIFIELD, #112145,)
)
Petitioner,)
)
v.) CASE NO. 2:06-CV-0054-WKW
)
ARNOLD HOLT, et al.,)
)
Respondents.)

ORDER

Upon review of the response filed by the respondents on July 14, 2006, and as this response entirely fails to comply with the directives of the order entered on June 12, 2006, it is

ORDERED that on or before July 28, 2006 the respondents shall file a supplemental answer which addresses Minnifield's claims that: (1) he is not procedurally defaulted on his ineffective assistance of appellate counsel claim because (i) the state courts lacked jurisdiction "to rule on the Rule 32 petition while the [previously filed state] Writ of Habeas Corpus was active[.]" and (ii) the procedural default relied on by the respondents - failure to raise the claim on appeal from the denial of the Rule 32 petition - "is not firmly established [nor] regularly followed" such that it supports reliance on the default to bar this court's review of his claim - *Petitioner's June 7, 2006 Response - Court Doc. No. 17* at 1-2; (2) the trial court failed to provide a hearing in accordance with *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975), prior to allowing petitioner to represent

himself at trial; and (3) pre-trial counsel provided ineffective assistance. The respondents are ***cautioned*** that no extensions of time will be allowed for filing a supplemental answer in response to this order.

DONE, this 18th day of July, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE